

CERTIFIED FOR PARTIAL PUBLICATION

**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION TWO**

CALIFORNIA UNIONS FOR RELIABLE
ENERGY et al.,

Plaintiffs and Appellants,

v.

MOJAVE DESERT AIR QUALITY
MANAGEMENT DISTRICT et al.,

Defendants and Respondents.

E046687

(Super.Ct.No. INC071192)

ORDER MODIFYING OPINION
[NO CHANGE IN JUDGMENT]

The opinion filed in this matter on October 30, 2009 is modified as follows:

1. On page 2, at the end of the first sentence of the opinion proper, which states, “In 2007, the Mojave Desert Air Quality Management District (the District) adopted Rule 1406,” insert the following as new footnote 1:

¹ Rule 1406 was amended in October 2008, after this appeal was already pending. The amendments do not appear to have any relevant substantive effect. Nevertheless, our opinion deals exclusively with rule 1406 as it stood before the amendments.

2. All other footnotes are renumbered accordingly.

3. On page 1, change CERTIFIED FOR PUBLICATION to CERTIFIED FOR PARTIAL PUBLICATION*

* Pursuant to California Rules of Court, rules 8.1105(b) and 8.1110, this opinion is certified for publication with the exception of footnote 3.

In the interest of clarity, we note that this is referring to former footnote 2, which is now being renumbered footnote 3.

4. On page 30, change CERTIFIED FOR PUBLICATION to CERTIFIED FOR PARTIAL PUBLICATION.

Except for this modification, the opinion remains unchanged. This modification does not effect a change in judgment.

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RICHLI
Acting P.J.

I concur:

GAUT
J.